

DANIEL G. BOGDEN  
United States Attorney  
KIMBERLY M. FRAYN  
Assistant United States Attorney  
333 Las Vegas Blvd. South, Suite 5000  
Las Vegas, Nevada 89101  
PHONE: (702) 388-6336  
FAX: (702) 388-6418

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN DOE, aka  
PEDRO MONTELONGO aka  
HORACIO ACEVEDO VALDIVIA,

Defendant.

2:15-mj-01103-CWH

Stipulation to Continue the  
Preliminary Hearing

First Request

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and KIMBERLY M. FRAYN, Assistant United States Attorney, counsel for the United States of America, and ROBERT M. DRASKOVICH, ESQ., counsel for defendant JOHN DOE that the preliminary hearing date in the above-captioned matter, currently scheduled for December 30, 2015, at 4:00 pm, be vacated and continued for sixty (60) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing so they may

1 engage in pre-indictment plea negotiations, which may eliminate the need for a  
2 preliminary hearing or an indictment.

3 2. The parties agree to the continuance.

4 3. The defendant is incarcerated and but does not object to the continuance.

5 4. Additionally, denial of this request for continuance could result in a  
6 miscarriage of justice.

7 5. The additional time requested herein is not sought for purposes of delay,  
8 but to for a possible pre-indictment resolution of the case.

9 6. The additional time requested by this stipulation, is allowed, with the  
10 defendant's consent under the Federal Rules of Procedure 5.1(d).

11 7. This is the first request for a continuation of the preliminary hearing.

12  
13 DATED this 23<sup>rd</sup> day of December, 2015.

14  
15  
16 Respectfully submitted,  
DANIEL G. BOGDEN  
United States Attorney

17  
18 //s//  
ROBERT M. DRASKOVICH, ESQ.  
19 Counsel for Defendant JOHN DOE

20 //s//  
KIMBERLY M. FRAYN  
21 Assistant United States Attorney  
22  
23  
24

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

3:15-mj-01103-CWH

Plaintiff,

**ORDER**

vs.

JOHN DOE, aka  
PEDRO MONTELONGO aka  
HORACIO ACEVEDO VALDIVIA,

Defendant.

**ORDER**

Based on the pending Stipulation of counsel, and good cause appearing  
therefore, the Court finds that:

1. That the parties seek to continue the preliminary hearing in order to  
engage in pre-indictment plea negotiations, which may eliminate the need for a  
preliminary hearing or an indictment.

2. That the parties agree to the continuance.

3. That the defendant is incarcerated but does not object to the continuance.

4. Additionally, that denial of this request for continuance could result in a  
miscarriage of justice.


5. That the additional time requested herein is not sought for purposes of  
delay, but to allow for a possible pre-indictment resolution of the case.

7. This is the first request to continue the preliminary hearing date filed herein.

## CONCLUSIONS OF LAW

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

IT IS THEREFORE ORDERED that the preliminary hearing currently  
scheduled for December 30, 2015, at the hour of 4:00 pm, be vacated and continued to  
March 7, 2016  
at the hour of 4:00 p.m.

  
\_\_\_\_\_  
THE HONORABLE CARL W. HOFFMAN  
UNITED STATES MAGISTRATE JUDGE